

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-092436

05/07/2013

HONORABLE TIMOTHY J. RYAN

CLERK OF THE COURT
V. Felix
Deputy

IN RE THE MARRIAGE OF
ASHLEY HARRELL

ASHLEY HARRELL
5615 W AVALON CT
CHANDLER AZ 85226

AND

FRANKLIN HARRELL

FRANKLIN HARRELL
3132 S EL DORADO
MESA AZ 85202

FAMILY COURT SERVICES-CCC

MINUTE ENTRY

Prior to the commencement of these proceedings, Petitioner's exhibits 1 through 12 and Respondent's exhibits 13 through 24 are marked for identification.

Courtroom 402 - SEF

1:07 p.m. This is the time set for Trial regarding Petitioner's Petition for Dissolution of Non-Covenant Marriage filed April 24, 2012 that has been converted to a Petition for Legal Separation on June 8, 2012. Petitioner, Ashley Harrell, is present on her own behalf. Respondent, Franklin Harrell, is present on his own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held regarding the status of the case.

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IT IS ORDERED that Father shall pay to Mother as and for temporary child support the sum of **\$500.00** per month, payable through the Support Payment Clearinghouse by Income Withholding Order, effective immediately.

LET THE RECORD REFLECT that an Income Withholding Order is initiated electronically by the above-named deputy clerk. Confirmation # 396652.

IT IS FURTHER ORDERED that at any time an *Income Withholding Order* is not paying the child support obligation in full, Father shall make full and timely payments directly to the Support Payment Clearinghouse in accordance with the instructions for making support payments through the Clearinghouse attached hereto.

If payments are made directly to the person who is to receive the support, the payments may be considered a gift and no credit will be given towards the support obligation.

Any change in the paying party's employment and any change in the residential address of either party **must** be submitted to the Clerk's office, in writing, within ten (10) days of the change [A.R.S. § 25-322(C)]. Failure to notify the Clerk's office of any change may be considered contempt of Court.

IT IS FURTHER ORDERED that Father shall complete and submit to the Court the *Current Employer Information* form attached hereto.

IT IS FURTHER ORDERED Mother is not required to contact Parenting Skills until Father provides Parenting Skills with the required paperwork.

IT IS FURTHER ORDERED granting Father's oral motion to continue.

IT IS FURTHER ORDERED continuing today's **Trial** and resetting same to **July 3, 2013, at 1:00 p.m. (time allotted: 1 hour)** before the Honorable Timothy J. Ryan at:

Maricopa County Superior Court
Southeast Judicial District
222 E. Javelina Avenue
Courtroom 402
Mesa, AZ 85210

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IT IS FURTHER ORDERED no further continuances shall be granted in this matter.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed one-half of the available time to present all direct, cross, redirect examination, and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS FURTHER ORDERED any evidence intended to be submitted as exhibits at the time of trial must be brought to this division **no later than June 26, 2013, with a coversheet listing the description of the exhibits. The exhibits shall be separated by a COLORED sheet of paper.** Any exhibits submitted shall be copied to the opposing party at that same time. The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party. **Failure to obey these orders may result in exclusion of the exhibit and/or waiver of objections. NOTE: DO NOT PROVIDE A BENCH COPY OF THE EXHIBITS. Attorneys who violate this order shall reimburse their client for the cost of preparing a Bench Copy notebook and will be sanctioned a \$100 fine payable to the Clerk of Court.**

IT IS FURTHER ORDERED that the failure of either party to appear at the time of trial, or to timely present the Joint Pre-Trial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that if either party files a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, each party shall submit proposed findings of fact and conclusions of law to this division by no later than **June 26, 2013.**

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49 and 50, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents, and exhibits on or before **June 3, 2013.**

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2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed no later than **June 3, 2013**.
3. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or healthcare provider, or employer possessing any relevant information.

IT IS FURTHER ORDERED that counsel for both parties shall confer at least thirty (30) days prior to trial to conduct settlement discussions, prepare a Joint Pre-Trial Statement in accordance with Rule 76(C)(1), Arizona Rules of Family Law Procedure, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case. Thereafter, the Joint Pre-Trial Statement shall be filed and a copy delivered to this division by no later than **June 26, 2013**. Further, pursuant to Rule 76(C) (2), each party shall file with the Joint Pre-Trial Statement the following:

- a) An Affidavit of Financial Information on a form approved by the Court.
- b) If financial/property issues are in dispute, a detailed itemized inventory of property and debt in accordance with Rule 97, form 12, "Inventory of Property and Debt."
- c) A proposed parenting plan.
- d) A proposed parent's worksheet for child support.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-Trial Statement those exhibits they have agreed will be admissible at trial, as well as any specific objections that will be made to any exhibit, if offered at trial, that is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted.

Counsel and the parties are reminded of their obligation to give prompt notice to the Court of any settlement as required by Rule 70, Arizona Rules of Family Law Procedure.

Continuances, postponements, and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

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NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of legal decision making authority, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the Court before trial. If you make a written request before trial, the Court will make conclusions of fact and law as part of the final decision.

If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pre-Trial Statement.

NOTE: ALL COURT PROCEEDINGS ARE RECORDED BY AUDIO METHOD AND NOT BY A COURT REPORTER. ANY PARTY MAY REQUEST THE PRESENCE OF A COURT REPORTER BY CONTACTING THIS DIVISION THREE (3) COURT BUSINESS DAYS BEFORE THE SCHEDULED HEARING.

NOTICE: A child should not be brought to the courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of court personnel do not permit them to perform this function.

LET THE RECORD REFLECT that the clerk of this division shall retain the exhibits from today's hearing for the above-set Trial.

1:30 p.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

Attachments:

FRANKLIN HARRELL: Current Employer Information, Non IV-D Payment Instructions